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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,795	02/03/2004	Raymond Kelly Tippet	GAN-2031	1474

7590 09/07/2005  
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EXAMINER

PANG, ROGER L

ART UNIT	PAPER NUMBER
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3681

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/770,795

Applicant(s)

TIPPETT, RAYMOND KELLY

Examiner

Roger L. Pang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11, 16-19 and 21-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 16-19 and 21-24 is/are rejected.
- 7) ☒ Claim(s) 25-30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2-3-04</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The following action is in response to the election filed for application 10/770,795 on July 25, 2005.

#### ***Election/Restrictions***

Applicant's election without traverse of Body 2 and Housing 3 in the reply filed on July 25, 2005 is acknowledged.

#### ***Specification***

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

The disclosure is objected to because of the following informalities: the patent number of 6,705,174 should be inserted into page 1 of the specification.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 17 depends upon a canceled claim, and also it appears that the dependency should have originally been upon claim 16. Applicant must amend accordingly.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11, and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maguire. With regard to claims 1 and 18, Maguire teaches an apparatus/method comprising: a first ring-like mass rotating in a first plane 11 (part 26), said first ring-like mass comprising a first material, said first material comprising a first density; a second ring-like mass rotating in a second plane 12 (part 26), said second ring-like mass comprising a second material, said second material comprising a second density; a third ring-like mass rotating in a third plane 13 (part 26), said third ring-like mass comprising a third material, said third material comprising a third density. Maguire lacks the specific teachings of said first, second and third densities being different. It would have been obvious to one of ordinary skill in the art at the time of the

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invention to modify Maguire to employ ring-like masses of different densities, since it has been held to be within the general skill of a worker in the art to select a known material (each material having its own density as a natural property) on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. With regard to claim 2, Maguire teaches the apparatus, but lacks the specific teaching of said first ring-like mass being constructed from titanium metal. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Maguire to employ a titanium metal first ring-like mass, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. With regard to claim 3, Maguire teaches the apparatus, but lacks the specific teaching of said second ring-like mass being constructed from stainless steel metal. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Maguire to employ a stainless steel metal second ring-like mass, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. With regard to claim 4, Maguire teaches the apparatus, but lacks the specific teaching of said third ring-like mass being constructed from nickel alloy metal. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Maguire to employ a nickel alloy metal third ring-like mass, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. With regard to claim 5, see rejections of claims 2, 3 and 4. With regard to claim 6, see rejection of claim 5, wherein each

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material has its own density as a natural property. With regard to claim 7, Maguire teaches the apparatus, wherein said first plane is substantially perpendicular to said second plane and said third plane; and wherein said second plane is substantially perpendicular to said third plane (Fig. 1). With regard to claim 8, Maguire teaches the apparatus wherein: said first ring-like mass generates a first angular momentum; said second ring-like mass generates a second angular momentum; said third ring-like mass generates a third angular momentum (Col. 2). Maguire lacks the specific teaching of all three angular momentums being equal. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Maguire to employ three ring-like masses moving at the same angular momentum, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233. With regard to claim 19, see rejections of claims 7 and 8. With regard to claim 9, see rejection of claim 19. With regard to claim 10, Maguire teaches the apparatus further comprising: a first containment ring 27/28; a second containment ring 27/28; a third containment ring 27/28, wherein each of said first, second, and third ring-like masses are contained within one of said three containment rings (Fig. 1); and a pedestal 14, said pedestal supporting each of said three containment rings (Fig. 1). With regard to claim 11, Maguire teaches the apparatus wherein the pedestal comprises: at least one z-plane pedestal component 14; at least one y-plane pedestal component; and at least one x-plane pedestal component (Fig. 1). With regard to claim 16, Maguire teaches the apparatus further comprising: a first containment ring 27/28; a second containment ring 27/28; a third containment ring 27/28, wherein each of said first, second, and third ring-like masses 26 are contained within one of said three containment rings; a plurality of ring clamps 14 connecting

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said first containment ring to said second containment ring and connecting said second containment ring to said third containment ring (via the housing). With regard to claim 17, Maguire teaches the apparatus further comprising a housing 10, said housing containing said containment rings, said clamps and said ring-like masses.

Claims 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maguire in view of Escher. With regard to claim 21, see rejections of claims 1 and 10, and Maguire also teaches a plurality of magnets wherein at least two of said plurality of magnets is embedded into each of said first ring-like mass and second ring-like mass and said third ring-like mass (Col. 2); a plurality of coils 23/24, wherein at least four (Fig. 2) of the plurality of coils is wrapped around said exterior surface of each of said three containment rings; and a housing 10, said housing containing said pedestal, said containment rings, and said ring like masses (Fig. 1). Maguire teaches of sensing devices mounted upon the craft for sensing movement of the ring-like masses (Col. 2), but lacks the specific teaching of said sensors being hall-effect sensors. Escher teaches a gyroscopic device, wherein hall-effect sensors 140 are used to sense movement of a moving ring. It would have been obvious to one of ordinary skill at the time of the invention to modify Maguire to employ hall-effect sensors as said sensors for monitoring the location of the magnets (and therefore the movement of the rings) in order to accurately adapt to the conditions and therefore modify the movement of said ring-like masses. With regard to claim 22, Maguire and Escher teach the apparatus further comprising: a master control program residing in a memory (Col. 2); a control circuit 21, said control circuit communicating with a drive circuit and hall effect circuit, thereby controlling the movement of the three ring-like masses. With regard to claim 23, see rejection of claim 7. With regard to claim 24, see rejection of claim 8.

***Allowable Subject Matter***

Claims 25-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Inman and O'Berrigan have been cited to show ring-like masses (including fluids) made with materials of different densities.

**FACSIMILE TRANSMISSION**

Submission of your response by facsimile transmission is encouraged. The central facsimile number is (571) 273-8300. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check should not be submitting by facsimile transmission separately from the check.



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Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on \_\_\_\_\_ (Date)

Typed or printed name of person signing this certificate:

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\_\_\_\_\_

(Signature)


If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roger L. Pang whose telephone number is 571-272-7096. The examiner can normally be reached on 5:30am to 4:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Roger L. Pang  
Primary Examiner  
Art Unit 3681

September 2, 2005